

**UNITED STATES BANKRUPTCY COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
RICHMOND DIVISION**

In Re: § **Chapter 11**
CIRCUIT CITY STORES, INC., et al. § **CASE NO. 08-35653-KRH-11**
Debtors. § **Jointly Administered**

MOTION FOR LEAVE OF COURT TO APPEAR TELEPHONICALLY

TO THE HONORABLE JUDGE OF SAID COURT:

Lewisville Independent School District (“LISD”) by and through its undersigned counsel, hereby moves the Court for leave for Andrea Sheehan, lead counsel for LISD, to attend the Confirmation Hearing on December 21, 2009, or on such other date to which said Confirmation Hearing shall be continued, in support thereof, would show the Court the following:

1. LISD holds a secured claims for ad valorem taxes assessed for the 2008 and 2009 tax years. On November 12, 2009, LISD filed its “Objection of Lewisville Independent School District to Confirmation of the First Amended Joint Plan of Liquidation of Circuit City Stores, Inc. and its Affiliated Debtors and Debtors in Possession and its Official Committee of Creditors Holding General Unsecured Claims”. Said Objection was filed as Docket No. 5644.
 2. Pursuant to the Court’s Order Pursuant to Bankruptcy Code Sections 102 and 105, Bankruptcy Rules 2002 and 9007, and Local Bankruptcy Rules 2002-1 and 9013-1 Establishing Certain Notice, Case Management, and Administrative Procedures dated November 13, 2008, “Upon request, the Court may allow counsel to listen to a hearing by telephone. If a matter is contested, counsel must attend in person, unless leave of the court is granted on a case by case basis.”
 3. On November 26, 2008, the Court entered an Order Granting Motion of A. Carter

Magee, Jr. for an Order Authorizing Andrea Sheehan to Appear *Pro Hac Vice* Pursuant to Local Bankruptcy Rule 2090-1(E)(2). LISD respectfully requests leave of Court for Ms. Sheehan to appear telephonically at the Confirmation Hearing. Ms. Sheehan is located in Dallas, Texas. Local counsel has been retained. However, LISD's Objection to Confirmation concerns the interplay of Texas tax law and the Bankruptcy Code. Ms. Sheehan is experienced in Texas property tax law and has a unique knowledge of the issues raised in LISD's Objection to Confirmation. LISD is a taxing jurisdiction and political subdivision in the State of Texas. Given the expenses that would be incurred in both retaining local counsel and having lead counsel travel from Texas to appear in person in relation to the size of LISD's claims and given the believed lack of prejudice to Debtors, LISD asserts that the interest of justice will be served by allowing Ms. Sheehan to appear telephonically at the Confirmation Hearing.

4. No novel issues of law are presented in this motion. Therefore, LISD requests that the requirement that a memorandum of points and authorities be filed with this motion be waived.

WHEREFORE, PREMISES CONSIDERED, LISD respectfully requests the entry of an order substantially in the form of the proposed order set forth below authorizing Andrea Sheehan, lead counsel for LISD, to appear telephonically at the Confirmation Hearing scheduled for December 21, 2009, or such other date to which said Confirmation Hearing may be rescheduled or continued. LISD further prays for such other relief to which it may show itself justly entitled.

Respectfully submitted,

/s/ W. Joel Charboneau
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/s/ Andrea Sheehan

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ATTORNEY FOR LEWISVILLE INDEPENDENT
SCHOOL DISTRICT

CERTIFICATE OF SERVICE

I hereby certify that on December 11, 2009, I electronically filed the foregoing with the United States Bankruptcy Court for the Western District of Virginia which caused electronic notification of filing to be served on all registered users of the CM/ECF System that have filed notices of appearance in this case including the entities listed below.

/s/ W. Joel Charboneau

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In Re:	§	Chapter 11
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	§	Jointly Administered
Debtors.	§	

**ORDER GRANTING MOTION FOR LEAVE OF COURT TO APPEAR
TELEPHONICALLY**

Upon consideration for the Motion for Leave of Court to Appear Telephonically filed by Andrea Sheehan, counsel for creditor Lewisville Independent School District, and it appearing that the motion having been served upon counsel for Debtors, counsel for the Official Committee of Unsecured Creditors, and the Office of the United States Trustee for the Eastern District of Virginia, after due deliberation and sufficient cause shown, it is hereby,

ORDERED, that the Motion for Leave of Court to Appear Telephonically of Lewisville Independent School District is GRANTED, and Andrea Sheehan is permitted to appear and be heard by telephone at the confirmation hearing on December 21, 2009, or such other date to which such confirmation hearing may be rescheduled, adjourned or continued, on behalf of Lewisville Independent School District.

ENTERED in this ____ day of November, 2009.

Honorable Kevin R. Huennekens
United States Bankruptcy Judge